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In re Application of  
Focke, Heinz et al.  
Application No.: 10/529,470  
PCT No.: PCT/EP03/10961  
Int. Filing Date: 02 October 2003  
Priority Date: 04 October 2002  
Attorney's Docket No.: Q86730  
For: METHOD AND DEVICE FOR  
RECOGNITION OF A TEAR-OFF STRIP  
ON A MATERIAL WEB

DECISION ON  
REQUEST  
UNDER 37 CFR 1.42

This is a decision on applicants' 28 March 2005, submission of a declaration containing an indication that joint inventor Heinz Focke is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

### BACKGROUND

On 02 October 2003, applicants filed international application PCT/EP03/10961, which claimed a priority date of 04 October 2002. A copy of the international application was transmitted to the Office by the International Bureau on 22 April 2004. The deadline for entry into the national stage in the United States was 04 April 2005.

On 28 March 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventors.

### DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42. The declaration lists the inventors and their citizenships and the legal representatives and the legal representatives' citizenships, residences and postal addresses. See 37 CFR 1.497.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is GRANTED.

The application has a date of 28 March 2005 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

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